

JUN 27 2006**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH REYES RAMIREZ,

Defendant - Appellant.

No. 05-50277

D.C. No. CR-04-00392-PA

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Argued & Submitted June 5, 2006
Pasadena, California

Before: REINHARDT, TROTT, and McKEOWN, Circuit Judges.

Joseph Reyes Ramirez appeals his conviction, pursuant to a guilty plea, of two counts of bank robbery and one count, under 18 U.S.C. § 924(c), of brandishing a firearm during and in relation to a bank robbery. He argues that the district court abused its discretion in denying his motion to withdraw the plea.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Ramirez also contends that his 189-month prison sentence violates his rights under the Sixth Amendment. We affirm his conviction and sentence.

The district judge did not apply the wrong standard in denying Ramirez's motion to withdraw his guilty plea; he determined that Ramirez failed to provide a "fair and just reason" to withdraw it. *See* FED. R. CRIM. P. 11(d)(2)(B). Further, because the record fails to support Ramirez's claim that his judgment was impaired by anti-epileptic drugs at the time he entered the plea, the district judge did not abuse his discretion in denying the motion. Finally, the mandatory minimum seven-year sentence under 18 U.S.C. § 924(c) does not violate Ramirez's rights under the Sixth Amendment. *See United States v. Dare*, 425 F.3d 634, 639-41 (9th Cir. 2005).

Accordingly, Ramirez's conviction and sentence are **AFFIRMED**.